



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145)
CEPOA-CO-R
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE: October 6, 2006
EXPIRATION DATE: November 6, 2006
REFERENCE NUMBER: POA-2006-1467
WATERWAY: Darling Creek

AFTER-THE-FACT Permit Application for Completed Work.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for work already completed in waters of the United States as described below and shown on the attached plan.

APPLICANT: BP Pipeline Alaska, Inc., Exxon Pipeline Company, ConocoPhillips Transportation, Alaska, Inc., Koch Alaska Pipeline Company, Unicol Pipeline Company.

AGENT: Alyeska Pipeline Service Company, P.O. Box 196660, MS 596, Anchorage, Alaska 99519-6660, ATTN: Mr. Peter Nagel.

LOCATION: The proposed project is located within section 30, T. 15 S., R. 10 E., Fairbanks Meridian; Latitude 63.5821 N., Longitude 145.8715 W.; near Richardson Highway Milepost 231, Alaska.

PURPOSE: The work described was completed to preclude erosion of Trans-Alaska Pipeline System (TAPS) Check Valve 89 and associated appurtenances.

WORK: Grading of 1.03 acres of the bed of Darling Creek between the Richardson Highway Bridge and the confluence of Darling Creek and the Delta River. Approximately 1000 cubic yards of in situ creek bed gravels and fines were disturbed.

ADDITIONAL INFORMATION: The work described was completed between June 26, 2006 and June 29, 2006. Within the Corps 404 program the work completed qualifies as both erosion protection and in-stream channelization.

MITIGATION: Due to flooding conditions which necessitated the work, no mitigation was completed prior to the completion of the work described. The Corps has, as yet, not determined what, if any, mitigation is appropriate.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: The project area is within the known or historic range of the Lynx (*Lynx Canadensis*)

No threatened or endangered species (listed in Alaska) are known to use the project area.

Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. If further information is desired concerning this notice, please contact Keith Gordon at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at keith.q.gordon@poa02.usace.army.mil.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments

STATE OF ALASKA

**DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

JOINT PIPELINE OFFICE
411 WEST 4TH AVENUE, SUITE C
ANCHORAGE, ALASKA 99501-2343
PHONE: (907) 257-1351/FAX: (907) 272-3829

NOTICE OF APPLICATION

**FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No.: **POA-2006-1467, Darling Creek**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting. For information about this consistency review, contact OPMP at (907) 257-1351, or visit the ACMP web site at <http://www.alaskacoast.state.ak.us>.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

**NOTICE OF APPLICATION
FOR
STATE WATER QUALITY CERTIFICATION**

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No.: **POA-2006-1467, Darling Creek**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation

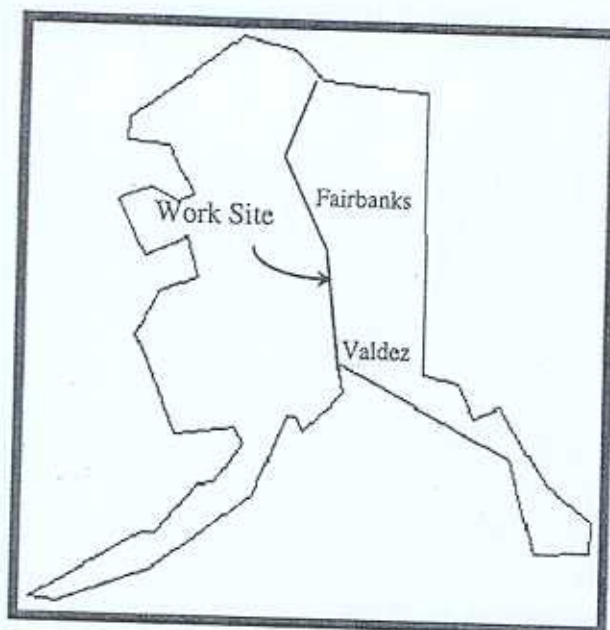
WQM/401 Certification

Anchorage Pipeline Coordinator's Office

411 W. 4th Avenue, Suite 2C

Anchorage, Alaska 99501-2343

TAPS Milepost 573.7, Flood Damage Control at Darling Creek



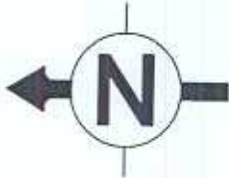
Township 15 South, Range 10 East (FM)

Section 30, SE4SE4

USGS Quad, Mt. Hayes C-4

Lat 63.58158 N Long 145.86652 W

<p>PURPOSE: Stream channelization and erosion protection.</p> <p>DATUM: Not provided</p> <p>ADJACENT PROPERTY OWNERS: 1. AK Department of Transportation 2. Bureau of Land Management.</p>	<p>APPLICANT: BP Pipeline AK, Inc., Exxon Pipeline Co., ConocoPhillips Transportation AK Inc., Koch AK Pipeline Co., Unicol Pipeline Co.</p> <p>POA-2006-1467 (Related authorization POA-1975-160-M)</p> <p>LOCATION: TAPS MP 573.7, Richardson Highway MP 231</p> <p>ADDRESS: T 15 S, R 10 E, S 30, SE 1/4, SE 1/4</p>	<p>PROPOSED: After-The – Fact Application for stream channelization and erosion control.</p> <p>IN: Darling Creek</p> <p>STATE: Alaska</p> <p>SHEET 1 OF 3</p> <p>DATE: 10/4/06</p>
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HIGHWAY BRIDGE

RICHARDSON HWY

EXIST STATE
DOT GUIDE BANK

TREE LINE

A
PLATE 3

ORDINARY HIGH WATER &
CHANNEL ALIGNMENT,
JUNE 2006

AREA RE-GRADED BY
ALYESKA DURING FLOODING
OF JUNE/JULY 2006
APPROX 2.4 ACRES

BURIED FIBER
OPTIC CABLE

CHECK VALVE
89 VAULT

B
PLATE 3

TREE LINE

APPROX EXIST DRIVELANE

TREE LINE

100' 50' 0 100' 200'

SCALE: 1" = 100'

ALYESKA PIPELINE SERVICE CO.

TRANS ALASKA PIPELINE SYSTEM

DATE: 09/06

PLATE 2

SCALE: AS SHOWN

SHEET 2 OF 3

PLMP 573.6 DARLING CREEK / CKV-89
JUNE 2006 FLOOD DAMAGE CONTROL
SITE PLAN

REV.	0	DWN. PAH	CKD. A L	APPR. A L
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AUTOCAD DWG. DO NOT REVISE MANUALLY.

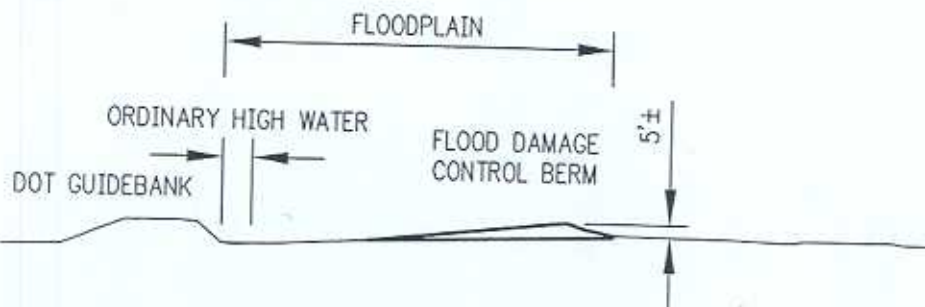
POA-2006-1467

FILE DATE: 09/06

PLOT SCALE: 1"=1

FILENAME: X0961 SITE PLAN

AFFECTED BY:



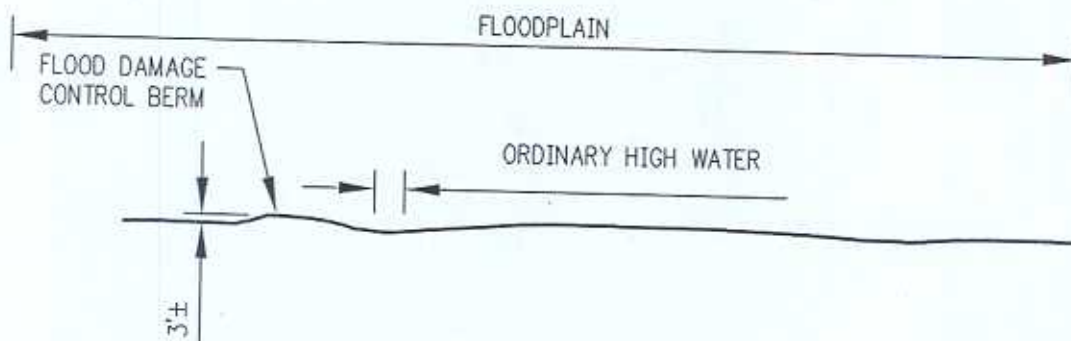
SECTION

SCALE: 1"=50'

A
PLATE 2

AFFECTED BY:

AFFECTED BY:



SECTION

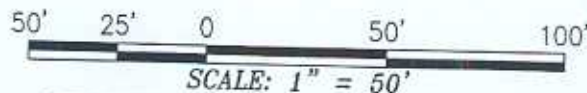
SCALE: 1"=50'

B
PLATE 2

FILE DATE: 09/06

PLOT SCALE: 1=1

FILENAME: X096i site plan



APPROX QUANTITY OF GRAVEL RE-GRADED: 3,000 CY

PLMP 573.6 DARLING CREEK / CKV-89
JUNE 2006 FLOOD DAMAGE CONTROL
TYPICAL CROSS SECTION

ALYESKA PIPELINE SERVICE CO.

TRANS ALASKA PIPELINE SYSTEM

DATE: 09/06

PLATE 3

REV.

0

DWN. PAH.

CKD. A L

APPR. A L

SCALE: AS SHOWN

SHEET 3 OF 3

AFFECTED BY:

AUTOCAD DWG. DO NOT REVISE MANUALLY.

POA-2006-1467

DARLING CREEK PLMP 573.7



PHOTO 1: Existing conditions before June 2006 flooding, from highway bridge looking downstream

DOT guidebank



Overflow into woods finds it way to CV 89

PHOTO 2: Flooding conditions on or about June 27, 2006, from DOT guidebank looking downstream & generally toward Check Valve 89

Guidebank riprap

DARLING CREEK PLMP 573.7

